

Minutes of April 26, 2002 Meeting
815 W. Sixth Street
Corona

1. Chair Beswick called the meeting to order at 9:00 a.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair
Fred Ameri, Vice-Chair
Jose Solorio
John Withers
Joan Dotson
Karen Stein
William Ruh
John Withers

Seymour Van Gundy

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Joanne E. Schneider, Environmental Program Manager
Hope A. Smythe, Chief, Basin Planning (Inland Waters)
Mark G. Adelson, Chief, Basin Planning (Regional)
Jun Martinez, Chief, Regulations
Milasol C. Gaslan, Chief, Storm Water (Inland Waters)
Mark E. Smythe, Chief, Storm Water (Coastal Waters)
Ken J. Theisen, Sanitary Engineering Associate
David Woelfel, Environmental Specialist III
Kevin P. Heinemann, Associate Information Systems Analyst
Barbara Laffoon, Secretary

State Board Representative

There was none in attendance.

Legal Counsel

Ted Cobb

Public Attendance

Jeff Endicott, CDM
Neal McNeal
Jack Walmsley, City of Canyon Lake
Rod Cruze, City of Riverside
Dan Askenaizer, MWM
Mark Sheppard, BIA/Baldy View Chapter
Bob Von Schimmelmman, City of Orange
Harry Thomas, City of Orange
Joan Urbaniak, Community Associations Institute
Konya Vivanti, Garden Grove Sanitary District
Nick Arhontes, Orange County Sanitation District
Patrick McNelly, Orange County Sanitation District
John Hills, Irvine Ranch Water District
Tim Piasky, BIA/SC

Ben Ionescu
Ionuc Retegan
Phil Miller, Elsinore Valley Municipal Water District
Roger Shintaku, S & K Axis Association
Jay Golida, Richards, Watson & Gershon
Richard Brooks, City of Fontana
Cynthia Gabaldon, City of Corona
Naresh Varma, San Bernardino County DPW
Mike Allen, Centex Homes
Rufus Young, BW&S for City of Chino Hills
Greg Woodside, Orange County Water District
Matt Bequette, City of Los Angeles
Richard Orr, Kleinfelder
Judy Lankey, Eastern Mutual Water District
Mark Carroll, City of Irvine
Beth Krom, City of Irvine
Joyce Clark, Metropolitan Water District
Ralph Moran, Atlantic Richfield

2. Public Forum

Neal McNeal of Shay Road in Big Bear requested that the Board issue Administrative Civil Liability Complaints to the three remaining property owners on Shay for failing to comply with Cease and Desist Order No. 00-83 and the Board's direction that they pursue and select appropriate compliance alternatives.

Board Chair Beswick indicated that her offer on March 15, 2002, to seek assistance from the County of San Bernardino Supervisors on Mr. McNeal's behalf had been unsuccessful.

Executive Officer Thibeault noted that the Shay Road property owners are aware of alternatives to the proposed sewer system and have not elected to take advantage of those alternatives. The Staff will proceed with enforcement of the Cease and Desist Order.

3. Approval of minutes of the Regular Meeting of March 15, 2002

There being no additions or corrections, the minutes of the regular board meeting held on March 15, 2002 were approved as presented.

4. Consideration of Consent Calendar Items

It was noted that items No. 6 and 7 had been postponed; items No. 8 with errata, 9, 10, 11, and 15 remained on the consent calendar.

Action: It was moved by Member Solorio, seconded by Member Withers, and unanimously approved to adopt Order No. R8-2002-0043 with errata, Resolution No. R8-2002-0045, Order No. R8-2002-0034, Order No. R8-2002-0047, and grant the appeal for exemption from the minimum lot size requirement by Robert McMillen.

5. Vila Borba Project, City of Chino Hills

Executive Officer (EO) Thibeault introduced the item. EPM Joanne Schneider updated the Board on the Army Corps of Engineers written response to the Regional Board's request that they attend the meeting.

- *6. General Waste Discharge Requirements for the reinjection/percolation of extracted and treated groundwater resulting from the cleanup of groundwater polluted by petroleum hydrocarbons, solvents and/or petroleum hydrocarbons mixed with lead and/or solvent - Order No. R8-2002-0033

This item was postponed to the May 31, 2002 Board meeting.

- *7. Revised Waste Discharge Requirements, City of Tustin, 17th Street Desalter - Order No. R8-2002-0005

This item was postponed to the May 31, 2002 Board meeting

- *8. Rescission of Waste Discharge Requirements or Enforcement Orders for Specific Facilities - Rescission Order No. R8-2002-0043

Order No. Facility and Location

1. 96-07 San Bernardino International Airport Authority, San Bernardino, San Bernardino County
2. 98-48 YMCA of Metropolitan Los Angeles- Camp Whittle, Fawnskin, San Bernardino County
3. 00-25 Great Lakes Chemical Corp., Irvine, Orange County

- *9. Federal Fiscal Year (FFY) 2002 State Revolving Fund (SRF) Loan Program for the Santa Ana Region - Resolution No. R8-2002-0034

- *10. Resolution Regarding Funding from the State Water Resources Control Board (SWRCB) Emergency, Abandoned and Recalcitrant Site Resolution No. R8-2002-0045

- *11. Resolution Requesting Cleanup and Abatement Account Funds (American Trader Settlement) for Cleanup of Historic Discharges to Newport Bay, Maintenance Dredging, and TMDL Compliance Resolution No. R8-2002-0047

- *15. Appeal of Staff's Denial of an Exemption from the Big Bear Valley Waste Discharge Prohibition for Subsurface Disposal System Use – Robert McMillen, South of Rim of the World Drive, APN 304-021-09, San Bernardino County.

12. General Waste Discharge Requirements for Sewage Collection Agencies in Orange County within the Santa Ana Region Order No. R8-2002-0014

Information pertaining to this item is contained in a verbatim transcript.

The background and update on this item was presented by Sanitary Engineering Associate Kenneth Theisen.

Nick Arhontes, Operations and Maintenance Manager, Orange County Sanitation District, stated that he felt this was a workable and model program, and encouraged the Board to establish a schedule for the other cities and sewerage agencies in the Board's jurisdiction to implement similar requirements in the future.

Action: It was moved by Vice-Chair Ameri, seconded by Member Stein, and approved to adopt Order No. R8-2002-0047 as presented. Members Solorio and Withers abstained.

EO Thibeault and Vice-Chair Ameri also recognized the efforts by Mr. Theisen in developing these discharge requirements.

13. Renewal of Waste Discharge Requirements, San Bernardino County Department of Public Works, County of San Bernardino and Incorporated Cities of San Bernardino County, Area-Wide Urban Storm Water Runoff Program (NPDES No. CAS618036) Order No. R8-2002-0012

Information pertaining to this item is contained in a verbatim transcript.

Board Member Ruh recused himself and did not participate in this item.

Milasol Gaslan, Chief of Storm Water (Inland Waters) Section, presented the background, updated comments, and recommended adoption of this permit.

Speakers on this item were:

Pat Mead, San Bernardino County Flood Control District
Christine Diemer Iger, Manatt, Phelps & Phillips
Jeff Nielsen, Manatt, Phelps & Phillips, representing the Redlands Chamber of Commerce.
Joan Urbaniak
Matthew Marmelejo
Rufus C. Young, representing the City of Chino Hills
Tim Piasky
Jay Golida
John Walmsley, City of Canyon Lake Councilman

Action: It was moved, seconded, and unanimously approved to adopt Order No. R82002-0012 with errata, as presented.

14. Waste Discharge Requirements, Randy Record, dba RGR Dairy, (NPDES No. CA8000397) Order No. R8 - 2002 – 0027

This item was postponed to the July 19, 2002, Board meeting.

RECESS

The Board recessed at 12:00 p.m. and reconvened at 12:30 p.m.

16. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Ionuc Retegan, 15710 Silver Spur Road, Riverside County.

Jun Matirez, Chief of Regulations Section, presented the background on this item. He noted that the property is only 1.25 acres and already has two existing septic systems onsite. The use of a third septic tank requires a lot size not less than 1.5 acres. The new building's proximity to the creek on the property was also of concern.

Benjamin Ionescu, an engineer representing Mr. Retegan, spoke to the Board regarding the denial and asked for assistance.

Action: It was moved by Member Solorio, seconded by Member Ameri, and unanimously approved to deny the appeal for exemption from the minimum lot size requirement.

The Board directed staff to assist Mr. Retegan in exploring alternatives available to him.

17. Lake Elsinore Reclaimed Water Pilot Project Update

EO Thibeault briefly explained this item and noted that the monitoring program would be finalized unless significant comments were received.

Gene Frick registered his concern over the discharge of reclaimed water into Lake Elsinore.

18. Basin Plan Triennial Review Workshop

David Woelfel, Environmental Scientist, introduced the item and stated that the purpose of the workshop was to solicit input from the Board and other interested parties regarding the issues that should be addressed during the triennial review and the priorities that should be assigned to various basin planning projects.

Speakers on this item were:

Larry McKenney, Orange County PFRD
Beth Krom, City of Irvine
Harry Thomas, Public Works Director, City of Orange
Christine Diemer Iger, So. California Water Quality Coalition
Tim Piasky, BIA/SC, CCIWQ
Glen Greener, Riverside BIA
Jeff Neilson

Comments made by Board members included an invitation to the regulated community to commit resources to support the review of issues of greatest importance to them, and that Board staff should solicit agency support for this effort.

Recurring themes in comments made by members of the public included the desire to address Issue 12 (consider economics and the need for housing when adopting MS4 permits) early in the triennial review period and concern with revising Beneficial Use (BU) designations, particularly REC 1 and REC 2, and with appropriateness of currently designated BUs. Speakers also encouraged the Board to take a deliberate (i.e., "go slow") approach when considering inclusion of "new" waterbodies.

28. Regional Board Member Communications

Vice-Chair Ameri requested that, since Counsel Ted Cobb needed to leave, item No. 28 be considered early. He asked for clarification from Mr. Cobb regarding filing fees, waivers and the ex-parte bill, all discussed during the recent Chairs meeting in Sacramento.

19. Prioritization/Problem-Solving Pilot Project

Assistant Executive Officer Kurt Berchtold presented this item. He noted that the two driving forces in the creation of the pilot project were the Strategic Plan and "The Regulatory Craft" by Malcolm Sparrow.

The problem-solving framework consists of identifying potential projects and defining a problem statement, determining performance measures, developing action plans, implementing and monitoring, and finally closing the project and starting long-term monitoring. An example of just such a project would be the just-adopted general Waste Discharge Requirements for Sewage Collection Agencies in Orange County (SSO).

Some candidate areas for a pilot project would be: clean beaches, dairies, Lake Elsinore, industrial storm water, and collaboration with Region 4 on San Gabriel River.

The next steps will be the submittal of candidate projects by May 3 and additional staff training with Malcolm Sparrow on May 13 and 14. The pilot project "kick-off" is July 1, 2002, and progress reports are due by December 31, 2002, and June 30, 2003. The Board will be updated on project progress.

20. Colton Tank Farm Project Status Report

Kenneth Williams, Chief of the Underground Storage Tank Section, gave the Board an update regarding the Colton Tank Farm Project. He discussed the operation and spill history, noting that 42 groundwater monitoring wells were installed off-site in the last 8 months to define the MtBE plume, effective remediation of the affected soils is continuing to be performed, plans are being implemented to intercept the affected groundwater, and discussions are underway between Kinder-Morgan and the West San Bernardino County Water District to ensure an uninterrupted supply of water to the District.

21. Mandatory Penalties Complaint, Haagen Company, LLC, Orange Mandatory Penalties Complaint No. R8-2002-0021

EO Thibeault advised that the discharger had paid the penalties and waived the right to a hearing, and no further action was required by the Board.

22. Administrative Civil Liability Complaint, El Toro Water District Administrative Civil Liability Complaint No. R8-2002-0035

EO Thibeault advised that the discharger had paid the penalties and waived the right to a hearing, and no further action was required by the Board.

23. Hazardous Waste and Sewage Spill Incident Report

Staff provided the Board with a list of hazardous waste and sewage spill incidents.

24. Underground Storage Tanks Site Closure Report

Staff provided the Board with a list of the underground storage tanks site closures.

25. Underground Storage Tanks Corrective Action Plans

Staff provided the Board with a list of the corrective action plans for underground storage tanks.

26. Quarterly Violations Report

A list of violations was provided to the Board, as required by the State Water Resources Control Board's Water Quality Enforcement Policy.

27. Executive Officer's Report

The Executive Officer's report was accepted.

29. Closed Session

There was none held.

30. Adjournment

The Board was adjourned to the regular meeting of May 31, 2002, at 9:00 a.m., at the City Council Chambers of Huntington Beach.

Respectfully submitted:

GERARD J. THIBEAULT
Executive Officer

/bjl